

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MALIK ABDUL-MUHAMMAD, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:04CV57CDP
)	
GARY KEMPKER, et al.,)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO DISMISS
TWO CLAIMS FOR FAILURE TO EXHAUST**

Defendants Gary Kempker, Steve Long, Winfrey Dickerson, Allen Luebbers, Pat Smith, Charles Dwyer, Thomas King, George Lombardi, Don Roper, and Dora Schriro move this Court to dismiss two unexhausted claims in plaintiff's complaint pursuant to the Prison Litigation Reform Act (PLRA), 42 U.S.C. §1997e(a), and for failure to state a claim pursuant to Fed.R.Civ.P. 12(b)(6).

In support of this motion to dismiss, defendants incorporate by this reference the detailed Memorandum of Law filed simultaneously herewith.

WHEREFORE, Defendants respectfully request that the Court dismiss the two unexhausted claims in plaintiff's complaint, and grant any further relief the Court may deem appropriate.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2007, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon:

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